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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,866	08/06/2003	Stanley G. McCabe	5805-49	9963

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EXAMINER

IZAGUIRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,866

Applicant(s)

MCCABE, STANLEY G.

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-33 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 6 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS

Summary

Claims 1,8,14,20,23,28 and 33 are the independent claims under consideration in this Office Action.

Claims 2-7,9-13,15-19,21,22,24-27 and 29-32 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,8-11,13-17 and 19-22 are rejected under 35 U.S.C. § 102(a or e) as being anticipated by Nakamura (6,584,711).

Nakamura teaches an apparatus and method for spreading an article of laundry from a load of laundry. Nakamura teaches a frame 29 (figure 20, for example) for supporting a first and second conveyor system 8 (figure 19) for moving an article and flattening the article. A pair of pinch rollers 4 clamps a first position and a first corner **A** is clamped by a clamping means 6. A clamp 7 clamps a second corner **C**. The corner

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at 6 and the first position is moved and then the first position is released (figure 6) and the article is moved from the first conveyor to the second conveyor while aligning a first edge of the article (figure 22). A clamp system 13, 14 is also provided for clamping the article along an edge and moved for flattening. The article is clamped by a pair of clamps 14 (figure 14) and the arm is pivoted downwardly and then upwardly for flattening the article and identifying an edge of the article and a trailing portion of the article using sensor 16. The article is then presented and placed in a horizontal position on the conveyers, which include slots therebetween (figure 19). The clamps move over and within the slots of the conveyors for placing the article on the conveyor for spreading and flattening the article on the conveyor (figure 29). Sensors 39 and 40 sense the trailing edge of the article and the conveyor apparatus spreads the article.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,7-11 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Beaudry et al. (3,092,263).

Beaudry et al. teach an apparatus and method for spreading an article of laundry from a load of laundry. Beaudry et al. teach a frame 10 (figure 1, for example) for supporting a first (10) and second (14) conveyor system for moving an article and flattening the article. A lift with a clamp is provided for raising an article and presenting this to a pair of pivotable clamps 20 and 21. The clamps are movable downwardly and

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then upwardly for allowing the free hanging of the article between the clamped portions. The clamps grip the article after the trailing end is sensed and pivot for moving the article flat and for identifying corners of the article (figure 4). A flattening means (figure 7) is provided for flattening the article before it is placed on the second conveyor 14). The clamps 20 and 21 release the article and are moved downwardly as the article is presented to the second conveyor.

Claims 8-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Robin et al. (5,168,645).

Robin et al. teach an apparatus and method for spreading an article of laundry from a load of laundry. Robin et al. teach a frame for supporting a first (6) and second (13 and 25) conveyor system for moving an article and flattening the article for feeding to a feeder for removing wrinkles on the article. A clamp 4 is provided for clamping the article from a lift 4, which lifts the article from a bunch and places this in a horizontal position with the aid of plates 7 and 8. As the article is substantially placed horizontally and the trailing end is detected by a sensor 9 (figure 8), a clamp 10 clamps onto the article and is driven downward at the twist in the conveyor at 13b. The article is rotated and allowed to hang down for flattening. The article clamped by clamp 10 at one end and 33 (or 5) at the other (figure 2) is moved along the slot between the two conveyors. It is moved over a guide 14 where trailing ends are identified and a further clamp 24, which is located in the slot between the conveyors, is used to clamp the corner and moves the article in a flattened manner for further processing.

ALLOWABLE SUBJECT MATTER

Claims 23-33 are allowable over the prior art of record.

Claims 6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jensen illustrates a conveyor system for clamping and sensing the trailing end and adjusting an edge of an article hanging from the conveyor. Kannegiesser et al. Illustrate a conveyor system including a pivotable clamp for moving an article from one conveyor to another in preparation for presenting the article to an ironing machine.

INQUIRIES

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

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Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.

A handwritten signature in black ink, appearing to read 'Iz' followed by a stylized flourish.

**Ismael Izaguirre
Primary Examiner
Group Art Unit 3765**

II
3/15/04